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10/531,490

SEP 06 2007

REMARKS

The Applicant thanks the Examiner for the telephone interview of September 4, 2007 regarding the pending claims and cited references. In accordance with the discussion and suggestions by the Examiner and with respect to the difference between the symmetrical indentations of the present Invention as compared with the helical and curved ribs of both Kelsey '261 and Vitt '751, the Applicant has amended Independent claim 14 to include the recitation whereby the indentations are disposed symmetrically about a longitudinal plane coincident with a central longitudinal axis of the projectile.

As discussed with the Examiner, Kelsey '261 discloses a plurality of curved ribs 20 defining a series of non-symmetrical spaces 17 therebetween. As shown in each of the figures of Kelsey '261 and discussed in the specification, the curved fins or ribs 20 on the tip of the bullet are intended to enhance projectile stability by imparting a spinning effect as provided by these curved ribs 20. Observing Fig. 1, and imagining a plane coincident, i.e. through the central longitudinal axis of the bullet, it is believed readily apparent that the spaces 17 between the ribs 20 cannot be symmetrically disposed on either side of this plane due to the nature of the curved ribs 20.

Similarly, with respect to Vitt '751 and the aerodynamic shotgun slug disclosed therein, helical ribs 22 are disposed around the nose of the bullet and, like the curved ribs of Kelsey '261, are intended to provide an appropriate gyroscopic stabilization to the projectile. These helical ribs 22 are formed to provide a particular minimum angle of helix to produce an adequate rotational force as described in column 5, lines 28 through 39. This aspect of Vitt '751 is particularly important in view of the fact that shotguns generally do not have rifling to induce the necessary rotation on the slug. In any event, and observing Figs. 1-7 of Vitt '751, because of the helical ribs 22, cannot be symmetrically disposed on either side of a longitudinal plane through the central longitudinal axis of the slug.

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The remaining claims 18, 21-24 26, 29 and 30-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelsey '261 as modified by Vitt '715 and further in view of either one of Brooks '320, Moser '769, Corzine et al. '100. As these claims are all dependent on independent claims 14, 27 and 33 which are believed allowable in view of the above remarks and amendments to claim 14, in the interest of brevity the Applicant believes no further explanation is necessary. As these remaining claims are dependent on the independent claims either directly or indirectly these claims are believed to be allowable as well.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same. As claims 27 and 33 already contained the specific language of, "a central longitudinal axis of the projectile" and that claim 1 has been amended to include the same or similar language already included in these claims, the Applicant does not believe any further search and/or consideration is necessary. Accordingly, this Application is believed to now be in condition for allowance.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised obviousness rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Kelsey '261 and Vitt '751 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

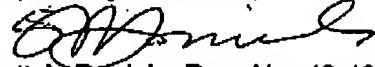
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In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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